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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

A.B.O. Comix, Kenneth Roberts, Zachary Greenberg, Ruben Gonzalez-Magallanes, Domingo Aguilar, Kevin Prasad, Malti Prasad, and Wumi Oladipo,

Plaintiffs

Case No.: 3:23-CV-1865-JSC

The Honorable Jacqueline Scott Corley

**PLAINTIFFS' REQUEST FOR ENTRY
OF JUDGMENT**

County of San Mateo and Christina Corpus, in her official capacity as Sheriff of San Mateo County.

Defendants.

1 Pursuant to Rule 58(d) of the Federal Rules of Civil Procedure, Plaintiffs request that this
 2 Court set out its decision granting Plaintiffs' motion to remand in a separate document pursuant to
 3 Rule 58(a).

4 On July 20, 2023, this Court granted Plaintiffs' motion to remand their case to Superior
 5 Court of San Mateo County on the grounds that a federal question no longer existed and that the
 6 values of economy, convenience, fairness, and comity warranted discretionary remand of
 7 Plaintiffs' state-law claims and Defendants' counterclaims. *See* ECF No. 44. The Order was
 8 entered in the civil docket pursuant to Rule 79(a). *Id.* As is customary in this District, the Court
 9 did not enter a judgment in a document separate from the one containing the Court's reasoning.

10 Under Rule 58, most orders are not final until they have "(1) been entered in the civil docket
 11 under Rule 79(a) *and* (2) the earlier of two events has occurred, *i.e.*, it is set out in a separate
 12 document or 150 days have run from its entry in the civil docket." *Zaragoza v. Berryhill*, No. 16-
 13 CV-00628-BAS-WVG, 2017 WL 4803915, at *1 (S.D. Cal. Oct. 24, 2017) (emphasis added). In
 14 *Harmston v. City & County of San Francisco*, the Ninth Circuit appears to have held that the
 15 separate document requirement applies to remand orders. 627 F.3d 1273, 1280 (9th Cir. 2010).

16 Rule 58(d) permits a party to "request that judgment be set out in a separate document as
 17 required by Rule 58(a)." Fed. R. Civ. P. 58(d). Out of an abundance of caution, and in order to
 18 expedite finality, Plaintiffs respectfully request that this Court enter a judgment, in a separate
 19 document, granting Plaintiffs' motion to remand to Superior Court of San Mateo County.

20 DATED: August 10, 2023

Respectfully submitted,

21
 22 /s/ *Stephanie Krent*
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